

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOSEFA Y. SANCHEZ

§

VS.

§

C.A. NO. 5:18-cv-1327

WAL-MART STORES TEXAS, LLC

§

JURY DEMANDED

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendant, Wal-Mart Stores Texas, LLC, hereby removes to the Court the state action described below.

1. On November 9, 2018, a civil action was commenced, in the 288th Judicial District Court of Bexar County, Texas, entitled *Josefa Y. Sanchez v. Wal-Mart Stores Texas, LLC*, Cause No. 2018CI21574. A copy of Plaintiff's Original Petition and Discovery Requests is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendant, Wal-Mart Stores Texas, LLC by certified mail on November 26, 2018. Defendant, Wal-Mart Stores Texas, LLC first received a copy of said Petition on December 17, 2018. A copy of the Citation is attached hereto as **Exhibit B**.

3. Defendant, Wal-Mart Stores Texas, LLC has filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D** and a Notice of Filing of Removal to Federal Court, attached as **Exhibit E**. Defendant, Wal-Mart Stores Texas, LLC has attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

JURISDICTION AND VENUE

4. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant, Wal-Mart Stores Texas, LLC is a limited liability company formed under the laws of Delaware, with its principal place of business in Arkansas. The sole member of Wal-Mart Stores Texas, LLC is Wal-Mart Real Estate Business Trust. Wal-Mart Real Estate Business Trust is a Delaware statutory trust with its principal place of business in Arkansas. The sole unit holder of Wal-Mart Real Estate Business Trust is Wal-Mart Property Co. which is a wholly owned subsidiary of Wal-Mart Stores East, LP. Wal-Mart Property Co. is a corporation formed under the laws of the State of Delaware with its principal place of business in the State of Arkansas. Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. WSE Management, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. WSE Investment, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. (f/k/a Wal-Mart Stores East, Inc.), whose parent company is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Wal-Mart Stores East, LLC is a limited liability company formed under the laws of the State of Arkansas, and has its principal place of business in the State of Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Plaintiff is a Texas citizen, with his residence in Bexar County, Texas.

5. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See page 3 of Plaintiff's Original Petition.*

14. Venue is proper in the Western District of Texas, San Antonio Division because this District and Division embrace the place in which the action is pending.

Dated: December 21, 2018

Respectfully submitted,

Daw & Ray
A Limited Liability Partnership

/s/ Willie Ben Daw, III
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by electronic service on this 21st day of December, 2018.

Andrew E. Toscano
GENE TOSCANO, INC.
846 Culebra, Ste. 104
San Antonio, Texas 78201-6244

Email: atoscano@genetoscano.com

/s/ Willie Ben Daw, III
Willie Ben Daw, III

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INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION

- (A) Plaintiff's Original Petition and Discovery Requests
- (B) Citation
- (C) Defendant's Original Answer
- (D) Defendant's Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) List of Counsel of Record